

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ISRAEL ROJAS-RODRIGUEZ,

Petitioner,

v.

No. CV 13-0892 KG/KBM

TIMOTHY HATCH,

Respondent.

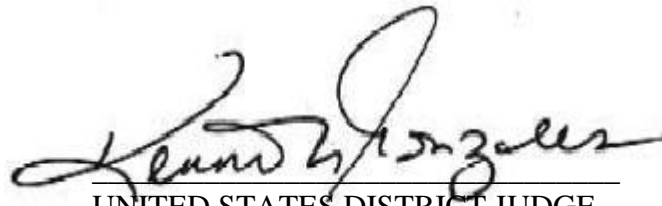
**ORDER OF DISMISSAL**

This matter is before the Court *sua sponte*. By order entered on October 11, 2013 (Doc. 8), the Court required Petitioner to show cause why his Petition Under 28 U.S.C. § 2241 For A Writ Of Habeas Corpus should not be dismissed for lack of federal-custody jurisdiction. In his response (Doc. 10), Petitioner asserts that, because he a Mexican national and the victim of a serious crime during his imprisonment in New Mexico, he is entitled to asylum in the United States. Even assuming the accuracy of this assertion for purposes of this order, as the Court previously noted, “in order to seek habeas corpus relief from immigration authorities, Petitioner must be in federal custody.” (*See* Doc. 8.) Petitioner’s response makes no showing that he is in federal custody for purposes of § 2241, and thus he is not entitled to relief. *See* rule 4 of the Rules Governing Section 2254 Cases. The Court will dismiss his petition.

IT IS THEREFORE ORDERED that Petitioner’s Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 6) is GRANTED, and Petitioner may proceed without prepayment of costs or other fees or the necessity of giving security therefor;

IT IS FURTHER ORDERED that Petitioner’s Petition Under 28 U.S.C. § 2241 For A

Writ Of Habeas Corpus is DISMISSED for lack of jurisdiction, and judgment will be entered.



UNITED STATES DISTRICT JUDGE